

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CHARLOTTE BOSWELL,

Plaintiff,

v.

FEDEX CORPORATION,

Defendant.

No. C 04-0098 SI

Related Case C 04-0099 SI

**SPECIAL VERDICT**

We, the jury in the above entitled action, find the following for our special verdict:

**(1) SEXUALLY HOSTILE WORK ENVIRONMENT (SEXUAL HARASSMENT)**

**Question No. 1:** Did plaintiff Charlotte Boswell prove, by a preponderance of the evidence, that Norman Stites was her supervisor and that he subjected her to a sexually hostile work environment at FedEx, as defined in these instructions?

Yes \_\_\_\_\_ No \_\_\_\_\_

If the answer to Question No. 1 is “no,” please proceed directly to Question No. 6. If the answer to Question No. 1 is “yes,” please proceed to Question No. 2.

**Question No. 2:** Did plaintiff Charlotte Boswell prove, by a preponderance of the evidence, that as a result of sexual harassment by Norman Stites, she suffered a tangible employment action, as defined in these instructions?

Yes \_\_\_\_\_ No \_\_\_\_\_

If the answer to Question No. 2 is “no,” please proceed to Question No. 3 . If the answer to Question No.2 is “yes,” please proceed directly to Question No. 5.

**Question No. 3:** Did defendant FedEx prove, by a preponderance of the evidence, that FedEx exercised reasonable care to prevent and promptly correct the sexually harassing behavior?

Yes \_\_\_\_\_ No \_\_\_\_\_

If the answer to Question No. 3 is "no," please proceed directly to Question No. 5. If the answer to Question No. 3 is "yes," please proceed to Question No. 4.

**Question No. 4:** Did defendant FedEx prove, by a preponderance of the evidence, that plaintiff unreasonably failed to take advantage of any preventive or corrective opportunities provided by Fed Ex or unreasonably failed to otherwise avoid harm?

Yes \_\_\_\_\_ No \_\_\_\_\_

If the answer to Question No. 4 is "no," please proceed to Question No. 5. If the answer to Question No. 4 is "yes," please proceed to Question No. 6.

**(2) CONSTRUCTIVE DISCHARGE**

**Question No. 5:** Did plaintiff Charlotte Boswell prove, by a preponderance of the evidence, that her working conditions were made so intolerable by the sexually hostile work environment that a reasonable person in plaintiff's position would feel compelled to resign?

Yes \_\_\_\_\_ No \_\_\_\_\_

Please proceed to Question No. 6.

**(3) RETALIATION**

**Question No. 6:** Did plaintiff Charlotte Boswell prove, by a preponderance of the evidence, that she engaged in activities protected under federal law, such as opposing sexual advances, requests for sexual conduct or other verbal or physical conduct of a sexual nature?

Yes \_\_\_\_\_ No \_\_\_\_\_

If the answer to Question No. 6 is "no," please go directly to Question No. 9. If the answer to Question No. 6 is "yes," please proceed to Question No. 7.

**Question No. 7:** Did plaintiff Charlotte Boswell prove, by a preponderance of the evidence, that defendant FedEx subjected plaintiff to an adverse employment action, as defined in these instructions?

Yes \_\_\_\_\_ No \_\_\_\_\_

If the answer to Question No. 7 is “no,” please go directly to Question No. 9 . If the answer to Question No. 7 is “yes,” please proceed to Question No. 8.

**Question No. 8:** Did plaintiff Charlotte Boswell prove, by a preponderance of the evidence, that her protected activity was a substantial or motivating factor in causing defendant FedEx to take the adverse employment action?

Yes \_\_\_\_\_ No \_\_\_\_\_

Please go to Question No. 9.

**Instructions for Question No. 9:** If you answered Question No. 1 “no” and you answered either Question No. 6 or No. 7 or No. 8 “no,” do not answer this question or any further questions; instead, go directly to the end of this form, sign and date it where indicated. Likewise, if you answered both Questions No. 3 and No. 4 “yes” and you answered either Question No. 6 or No. 7 or No. 8 “no,” do not answer this question or any further questions; instead, go directly to the end of this form, sign and date it where indicated Otherwise, please answer the next questions

**Question No. 9:** What amount of damages, if any, did plaintiff Charlotte Boswell prove, by a preponderance of the evidence, was caused to her by FedEx’s actions?

Lost earnings: \$ \_\_\_\_\_.

Other damages, including  
mental or emotional pain  
and suffering: \$ \_\_\_\_\_.

**Question No. 10:** Did plaintiff Charlotte Boswell prove, by a preponderance of the evidence, that defendant FedEx’s conduct toward her were malicious, oppressive or in reckless disregard of her rights, as those terms are defined in these instructions?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer to Question No. 10 was “no,” do not answer the next question; instead, go directly to the end of this form, sign and date it where indicated. Otherwise, please answer the next question.

**Question No. 11:** What amount of punitive damages, if any, did plaintiff Charlotte Boswell prove, by a preponderance of the evidence, should be awarded in this case?

\$\_\_\_\_\_.

Dated: \_\_\_\_\_

\_\_\_\_\_  
FOREPERSON